

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

GREGORY L. RHOADES,)	NO. 1:02-CV-5476-AWI DB (P)
)	Plaintiff,
)	ORDER VACATING HEARING
)	DATE OF NOVEMBER 23, 2009
v.)	AND TAKING MATTER
)	UNDER SUBMISSION
ALAMEIDA, et al.,)	
)	Defendants.
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Defendant has noticed for hearing and decision a motion for judgment as a matter of law.

The matter was scheduled for hearing to be held on November 23, 2009. Pursuant to Local Rule 78-230(c), Plaintiff was required to file either an opposition or a notice of non-opposition no later than November 9, 2009. Plaintiff failed to do so.

Due to Plaintiff's failure to file a timely opposition or notice of non-opposition, he is in violation of the Local Rules. See 78-230(c). Plaintiff is further not entitled to be heard at oral argument in opposition to the motion. See 78-230(c). The court has reviewed Defendant's motion and the applicable law, and has determined that the motion is suitable for decision without oral argument. See Local Rule 78-230(h).

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1 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of November
2 23, 2009, is VACATED, and no party shall appear at that time. As of November 23, 2009, the
3 court will take the matter under submission, and will thereafter issue its decision.

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5 IT IS SO ORDERED.

6 Dated: November 18, 2009

7 /s/ Anthony W. Ishii
8 CHIEF UNITED STATES DISTRICT JUDGE

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